



KLOSS STENGER & LoTEMPIO

ATTORNEYS AT LAW
www.klosslaw.com

69 DELAWARE AVE. STE. 1003
BUFFALO, NEW YORK 14202

TELEPHONE: 716-853-1111
FACSIMILE: 716-759-1094

JUSTIN D. KLOSS, PARTNER

EMAIL: JDKLOSS@KLOSSLAW.COM

February 27, 2020

Via ECF Only

Hon. Jeremiah J. McCarthy
United States Magistrate Judge
Robert H. Jackson United States Courthouse
2 Niagara Square
Buffalo, NY 14202
McCarthy@nywd.uscourts.gov

**RE: SERVANTS OF JESUS AND MARY, INC., d/b/a THE FATIMA CENTER
v. THE NATIONAL COMMITTEE FOR THE NATIONAL PILGRIM
VIRGIN OF CANADA AND THE FATIMA CENTER U.S.A., INC., AND
ANDREW CESANEK.**
WDNY Civil Action No.: 1:18-CV-731

Dear Magistrate Judge McCarthy:

The undersigned's law firm represents defendants The National Committee for the National Pilgrim Virgin of Canada and The Fatima Center U.S.A., Inc. in the above-referenced matter. We write with the consent of all parties to request an extension of Your Honor's Third Amended Case Management Order (Docket No. 47). Your Honor has three times previously found good cause to exist to extend the Case Management Order in this matter with the consent of all parties, and we believe good cause exists for this request as described below.

Since Your Honor's entry of the Third Amended Case Management Order (the "Order") on November 25, 2019, the parties have diligently continued the discovery process. The parties have exchanged an additional 3,500 pages of document discovery, as well as supplemental discovery requests which are still outstanding. The total production thus far in this case is over 33,000 pages of documents.

As Your Honor is also aware, the parties conducted the deposition of Ms. Coralie Graham on February 11, 2020. Despite our best efforts, we were unable to complete the deposition that day, and are making arrangements to schedule a continuation of Ms. Graham's deposition in March. Based on the foregoing, the parties do not believe that we can complete fact discovery by the Order's March 9th deadline.

Additionally, as a result of the discovery that has occurred thus far, the parties have voluntarily agreed to participate in a second round of mediation in order to potentially settle this matter. The proposed mediator has already been contacted and has agreed to conduct the mediation. We are attempting to schedule the mediation in April or May as some of our clients' principals reside outside the area. The parties also seek to extend the Order so that they may



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conduct the mediation before incurring the substantial costs associated with expert reports which are due April 15th.

Accordingly, we respectfully request that Your Honor modify the dates in the Third Amended Case Management Order as follows:

- All fact discovery completed by May 11, 2020;
- Expert reports by a party who bears the burden of proof by July 14, 2020;
- Opposing party expert reports by August 24, 2020;
- Expert depositions completed by October 12, 2020;
- Pretrial dispositive motions filed by November 24, 2020;
- If no motion are made, a request for a trial date made by December 1, 2020;
- Mediation sessions may continue until November 24, 2020.

The parties have conferred and are agreeable to the above-referenced proposed dates. The parties are available should Your Honor wish to schedule a conference to discuss this matter.

Respectfully,

s/Justin D. Kloss

CC: Matthew J. Larkin (via ECF only)
Attorneys for Plaintiff

Daniel J. Brady (via ECF only)
Attorneys for Defendant Andrew Cesanek